

REMARKS

Claims 1- 23 are currently pending in this application. Applicants have carefully reviewed the final Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 3, 9, 12, 13, 18 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,643,326 (Weiner).

Claim 1 recites in part, a rate limit circuit that determines a minimum RA interval having a beginning that corresponds with the R wave and an end; determines if the end of the escape interval is before the end of the minimum RA interval and if it is, extends the escape interval so that its end coincides with the end of the minimum RA interval. Claims 12 and 19 recite similar subject matter.

Weiner discloses a process wherein a ventricular pace (VP) that would otherwise occur in a minimum VA interval (*i.e.*, prior to the end of the interval) is moved up in time to occur at a time equal to the scheduled atrial pace time (*i.e.*, the end of the atrial escape interval) minus the minimum VA interval. See figure 9, step 914. Weiner also discloses a process wherein an atrial pace (AP) that would otherwise occur in a minimum VA interval (*i.e.*, prior to the end of the interval) is moved back in time to occur at a time equal to the scheduled atrial pace time (*i.e.*, the end of the atrial escape interval) plus the minimum VA interval. See figure 9, step 936. Both processes of Weiner involve adjusting the timing of pulse delivery by either adding time to, or subtracting time from, a minimum VA interval. Because of this, the Weiner processes extend escape intervals such that their ends (*i.e.*, the delivery of a pulse) do not coincide with the end of the minimum VA interval.

In view of the foregoing, Applicants submit that Weiner fails to disclose the combinations of elements and features recited in independent claims 1, 12 and 19. Accordingly, Applicants request reconsideration of the §102 rejections of these claims and dependent claims 3, 9, 13 and 18.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 2, 4, 5, 10, 12, 14-16 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,101,416 (Sloman) in view of Weiner.

As stated above in the §102 remarks, Weiner does not disclose determining if the end of the escape interval is before the end of the minimum RA interval and if it is, extending the escape interval so that its end coincides with the end of the minimum RA interval. As admitted in the Office Action, Sloman does not disclose these types of features either.

In view of the foregoing, Applicants submit that neither Sloman nor Weiner, either alone or in combination, teach or suggest the combination of elements and features recited in independent claims 1, 12 and 19. Furthermore, Applicants submit that, by virtue of the incorporation of subject matter recited in their respective independent base claim, dependent claims 2, 4, 5, 10, 14-16 and 20-21 are nonobvious over Sloman in view of Weiner.

Claims 6, 7 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sloman and Weiner and further in view of U.S. Patent No. 5,334,220 (Sholder). Claims 8, 11, 17 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sloman and Weiner and further in view of U.S. Patent No. 6,711,438 (McClure).

In view of the foregoing analysis of independent claims 1, 12 and 19 in view of Weiner and Sloman, Applicants believe that the rejections of dependent claims 6-8, 11, 17, 22 and 23 under §103 are moot as each of these claims depends from an allowable independent base claim.

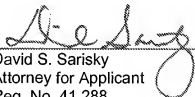
CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicants' claims 1-23 is believed to be in order.

Respectfully submitted,

Date

24 JUL 2007


David S. Sarisky
Attorney for Applicant
Reg. No. 41,288
818-493-3369

CUSTOMER NUMBER: 36802